

State of Missouri)
) SS.
City of St. Louis)

**MISSOURI CIRCUIT COURT
TWENTY-SECOND JUDICIAL CIRCUIT
(ST. LOUIS CITY)**

STATE OF MISSOURI, ex rel.)	
JEREMIAH W. (JAY) NIXON,)	
Attorney General and the)	
MISSOURI DEPARTMENT OF)	
NATURAL RESOURCES,)	
P.O. BOX 176)	
Jefferson City, MO 65102)	
)	
Plaintiffs,)	Cause No. _____
)	
vs.)	Division No. _____
)	
)	
LAURENCE JAY GOLDSTEIN, SAMUEL)	
GOLDSTEIN, NATIONAL RECYCLING,)	
INC, GOLDSTEIN TRUCK PARTS &))	
SALES, and GOLDSTEIN TRUCK)	
PARTS & SALES REDEVELOPMENT)	
CORPORATION 1420 and 1430 South)	
Vandeventer Drive Saint Louis, MO 63110,)	
)	
Defendants.)	

SERVE:

Laurence Jay Goldstein
14382 Stablestone Court
Chesterfield, Missouri 63017

Samuel Goldstein
7452 York Drive
Saint Louis, Missouri 63105

National Recycling, Inc.
Laurence Jay Goldstein, Registered Agent
14382 Stablestone
Chesterfield, Missouri 63017

Goldstein Truck Parts & Sales Redevelopment
Corporation
Samuel Goldstein, Registered Agent
7452 York Drive
Saint Louis, Missouri 63105

Goldstein Truck Parts & Sales, Inc.
Samuel Goldstein, Registered Agent
7452 York Drive
Saint Louis, Missouri 63105

PETITION FOR INJUNCTIVE RELIEF AND CIVIL PENALTIES

The State of Missouri, at the relation of Jeremiah W. (Jay) Nixon, Attorney General of Missouri, and the Missouri Department of Natural Resources, state as follows:

1. The State of Missouri requests that this Court order injunctive relief and civil penalties against National Recycling and its owner, Laurence Jay Goldstein, as well as Goldstein Truck Parts & Sales Redevelopment Corporation and Goldstein Truck Parts & Sales, and its owner, Samuel Goldstein, for the improper storage and disposal of used oil in violation of the Missouri Hazardous Waste Management Law.

Count I. Violations of Missouri Hazardous Waste Management Law

2. Jeremiah W. (Jay) Nixon is the duly elected, qualified and acting Attorney General for the State of Missouri.

3. The Missouri Department of Natural Resources (MDNR) is an authorized state agency created by the Omnibus State Reorganization Act of 1974, formerly Appendix B, Revised Statutes of Missouri, 1978, and now Chapter 640.010, RSMo, to administer programs relating to environmental control and the conservation and management of the resources of the State of Missouri.

4. The properties which are the subject of this Petition are two adjacent lots located at 1420 and 1430 South Vandeventer Drive, Saint Louis, Missouri 63110.

5. At all times relevant to this Petition, defendant National Recycling, Inc., a corporation administratively dissolved by the Missouri Secretary of State on August 31,

1998, has been located at 1420 South Vandeventer Drive in Saint Louis City.

6. Defendants Goldstein Truck Parts & Sales Redevelopment Corporation and Goldstein Truck Parts & Sales, Inc., corporations duly organized and in good standing with the Missouri Secretary of State, are headquartered at 1430 South Vandeventer Drive.

7. Defendant Samuel Goldstein resides at 7452 York Drive, Saint Louis, Missouri 63105.

8. Defendant Laurence Jay Goldstein resides at 14382 Stablestone Court, Chesterfield, Missouri, 63017.

9. At all times relevant to this Petition, defendant Laurence Jay Goldstein has owned and operated National Recycling, Inc. and has been responsible for the company's hazardous waste management decisions.

10. At all times relevant to this Petition, defendant Samuel Goldstein has owned and operated Goldstein Truck Parts & Sales Redevelopment Corporation and Goldstein Truck Parts & Sales, Inc., and has been responsible for the hazardous waste management decisions for both companies.

11. The property located at 1420 South Vandeventer Drive is owned by defendant National Recycling, Inc.

12. The property located at 1430 South Vandeventer Drive is owned by defendant Goldstein Truck Parts & Sales Redevelopment Corporation.

13. At all times relevant to this Petition, the property owned by National

Recycling, Inc. at 1420 South Vandeventer Drive has been operated by, and maintained for, defendant Goldstein Truck Parts & Sales Inc. These operations include, but are not necessarily limited to, the storage of Goldstein Truck Parts & Sales Redevelopment Corporation and Goldstein Truck Parts & Sales Inc. property such as used batteries, used oil, used automotive parts, as well as a garage used for refurbishing and extracting automotive parts.

14. The acts and omissions by defendants as alleged in this Petition occurred in Saint Louis City, Missouri. Therefore, venue and jurisdiction are proper in this Court under § 260.425.1, RSMo.

15. Defendant Goldstein Truck Parts & Sales, Inc. is involved in the buying and selling of salvage vehicles for the purposes of selling vehicle parts and selling as scrap metal those parts otherwise not suitable for resale.

16. Defendant Goldstein Truck Parts & Sales Redevelopment Corporation was incorporated for the purpose of acquiring, refurbishing, and selling real and personal property.

17. Defendant National Recycling, Inc. was incorporated for the purpose of maintaining a waste transfer station, as well as to acquire, refurbish, and sell real and personal property.

18. Defendants are used oil generators as defined in 40 CFR § 279.1 because their activities produce used oil.

19. On August 20, 1998, the property located at 1420 and 1430 South

Vandeventer Drive was inspected by the City of Saint Louis Metropolitan Sewer District and the City of Saint Louis Building Inspector. As a result of that inspection, suspected violations were reported to the MDNR.

20. On October 22, 1998, the MDNR inspected the adjacent properties and discovered numerous violations of the Missouri Hazardous Waste Management Law and regulations.

21. The MDNR observed a pool of water and oil approximately four feet deep in the basement of an abandoned building located at 1420 South Vandeventer Drive.

22. The MDNR observed containers of used oil unlabeled and openly exposed to the elements, as well as large portions of soil that were contaminated with used oil.

23. As a result of the inspection referenced in paragraph 20, the MDNR issued Notice of Violation (NOV) No. 5152 to defendants Samuel Goldstein and Goldstein Truck Parts & Sales, Inc. The specific violations included in NOV No. 5152 are:

- i. Failure to determine if waste is hazardous, in violation of 10 CSR 25-5.262(1), incorporating 40 CFR 262.11.
- ii. Containers of used oil not labeled, in violation of 10 CSR 25-11.279(1), incorporating 40 CFR 279.22(c)(1).
- iii. Containers of used oil that were stored outside and exposed to precipitation were not closed, in violation of 10 CSR 25-

11.279(2)(C)6.

- iv. Failure to clean up spills of used oil, in violation of 10 CSR 25-11.279(1), incorporating 40 CFR 279.22(d).
- v. Failure to use a licensed hazardous waste transporter to transport used oil off site, in violation of Section 260.380.1(5), RSMo, and 10 CSR 25-11.279(1), incorporating 40 CFR 279.24.

24. Between October 1998 and January 2000, the MDNR sent defendant Samuel Goldstein at least five notices explaining the violations and the means necessary for compliance with the Missouri Hazardous Waste Management Law. Included in these notices were Letters of Warning (LOW) No. 99-SL.001 issued on January 4, 1999, and LOW No. 00-01-003 issued on January 20, 2000.

25. Defendants have failed to adequately respond or address the violations contained within NOV No. 5152.

26. As of the filing of this Petition, Defendants remain in violation of § 260.425.1, RSMo, of the Missouri Hazardous Waste Management Law.

27. Defendants are in violation of 10 CSR 25-5.262(1), incorporating 40 CFR 262.11, for failure to properly determine whether waste located at 1420 and 1430 South Vandeventer Drive is hazardous.

28. Defendants have violated 10 CSR 25-11.279(1), incorporating 40 CFR 279.22(c)(1), for not properly labeling containers of used oil.

29. Defendants have violated 10 CSR 25-11.279(2)(C)6 for having open

containers of used oil that were stored outside and exposed to precipitation.

30. Defendants are in violation of 10 CSR 25-11.279(1), incorporating 40 CFR 279.22(d), for failure to clean spills and leaks of used oil in both the abandoned building located at 1420 South Vandeventer Drive and throughout the property in general.

31. Defendants have violated 10 CSR 25-11.279(2)(B)4.B for allowing the used oil waste and water mixture located in the abandoned building at 1420 South Vandeventer Drive to seep into the environment, causing both harm to the environment and creating a public nuisance.

32. Defendants have violated Section 260.380.1(5), RSMo, and 10 CSR 25-11.279(1), incorporating 40 CFR 279.24, for failure to use a licensed hazardous waste transporter to transport used oil off site.

33. The State of Missouri has no adequate remedy at law. Suit for statutory civil penalties not to exceed \$10,000 per day per violation is authorized pursuant to Section 260.425.1, RSMo.

Count II. Abatement of Public Nuisance

34. Plaintiff realleges and incorporates paragraphs 1 through 33 above, as though fully set forth herein.

35. Defendants Samuel Goldstein, Laurence Goldstein, Goldstein Truck Parts & Sales Inc., Goldstein Truck Parts & Sales Redevelopment Corporation, and National Recycling Inc. have a duty to control the used oil generated by their activities and used

oil-contaminated soil on site and not to cause pollution that interferes with the public's environment, health, and welfare.

36. All above-named defendants have failed to properly manage their activities that generate used oil, thus creating large amounts of used oil-contaminated soil at 1420 and 1430 South Vandeventer Drive.

37. All above-named defendants have failed to protect the environment and public welfare from pollution in that when the basement of the abandoned building located at 1420 South Vandeventer is flooded with rainfall, the oil and water mixture already present has the potential to migrate from the defendants' property and seep into the ground surrounding the defendants' property.

WHEREFORE, the State of Missouri asks this Court to:

A. Issue an order finding that all violations alleged in this Petition have occurred.

B. Find that defendants failed to comply with the Missouri Hazardous Waste Management Law and regulations regarding the generation, handling, and storage of used oil.

C. Issue a preliminary and permanent injunction enjoining defendants from any further violations of the Missouri Hazardous Waste Management Law and regulations.

D. Issue an order requiring that defendants propose for MDNR review a plan and schedule for sampling and removing all used oil and hazardous waste on site,

including a soil sampling plan to determine if the soil has been contaminated by hazardous waste. The plan should include provisions for sampling, analysis, and waste removal as described in the "used oil cleanup packet" that was provided to Samuel Goldstein on January 24, 2000.

E. Assess against each defendant a civil penalty of up to \$10,000.00 per day per violation, as authorized by § 260.425, RSMo, of the Missouri Hazardous Waste Management Law.

F. Order defendants to comply with the corrective action recommended by the MDNR.

G. Issue a preliminary and permanent injunction against the defendants preventing them from causing any further exposure to the environment from used oil generated or located at 1420 and 1430 South Vandeventer Drive.

H. Assess against defendants all costs of these proceedings.

I. Order such other and further relief as this Court deems just and proper.

Respectfully Submitted,

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